

1 required." Fed. R. Civ. P. 65(b). While Mr. Gorson's declaration in support of plaintiffs'
2 application for temporary restraining order does indicate that Mr. Gorson telephoned the
3 offices of counsel for Aurora Loan Services to inform "lead counsel" that plaintiffs "intended
4 to file a complaint against Aurora in Federal Court, and would also be seeking a temporary
5 restraining order," this does not constitute sufficient proof of service of the *summons and*
6 *complaint* upon Aurora. Nor does Mr. Gorson's attendant statement that the Contra Costa
7 County Sheriff's Department is "expected to post[]" a lockout notice at plaintiffs' home "at
8 any time" sufficiently satisfy plaintiffs' requirements under Federal Rule of Civil Procedure
9 65(b).

10 The application for the TRO is further deficient because it was not accompanied by a
11 proposed order in the form set forth in Civil Local Rule 65-1(c).

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13 **IT IS SO ORDERED.**

14 Dated: September 3, 2009



15 PHYLIS J. HAMILTON
16 United States District Judge
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